

REMARKS

Claims 1 and 5 have been amended. Claim 2 has been canceled. Claims 10-12 were previously withdrawn. Claims 1 and 3-9 are currently pending in this application. Applicants reserve the right to pursue the original and other claims in this and other applications. Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata et al. (U.S. Patent No. 6,468,618) (“Murata”) in view of Kamitakahara et al. (JP H05-200757) (“Kamitakahara”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites a “heat insulating stamper with a pattern on a surface” that includes an “uppermost section made of a metal material,” a “lowermost section made of a metal material” and a “middle section having a heat conductivity lower than the uppermost section.” The “metal material of the lowermost section is same as the metal material of the uppermost section.” Further, “heat insulating portions are dispersed in a metal material forming the middle section, with a concentration of the heat insulating portion being high in a region of the middle section directly below the uppermost section and gradually lowering toward the lowermost section such that only the metal material forming the middle section exists on the lowermost section.”

The claimed configuration is important because it “not only solves the strength problem [of the prior art heat insulating stamper], but also eliminates the need for the high temperature curing.” Specification, pg. 19, lines 17-19. Additionally, the fact that the “heat insulating portions are dispersed in a metal material forming the middle section” allows the interface between the Ni layer and the polymer layer (of the related art) to be eliminated. See, Specification, pg. 24, lines 20-23; FIG. 9.

As admitted by the Office Action, Murata does not disclose, teach or suggest that the “heat insulating portions are dispersed in a metal material of the middle section,” as in the claimed invention. Office Action, pg. 4. Instead, the Office Action relies on Kamitakahara as disclosing

this limitation. Applicants respectfully submit that Kamitakahara does not disclose, or render obvious, that “heat insulating portions are dispersed in a metal material forming the middle section, with a concentration of the heat insulating portion being high in a region of the middle section directly below the uppermost section and gradually lowering toward the lowermost section such that only the metal material forming the middle section exists on the lowermost section.” Kamitakahara merely discloses using air as a thermal break in a rolled form stamper and does not suggest the claimed concentration gradient of the heat insulating portions within the middle section.

Additionally, Applicants incorporate herein the arguments with respect to the combinability of the references, previously set forth in the reply dated December 24, 2008.

Accordingly, claim 1 is allowable over the cited combination. Claims 3, 4 and 6-8 depend from claim 1 and are allowable along with claim 1. As such, Applicants respectfully request that the rejection of claims 1, 3, 4 and 6-8 be withdrawn and the claims allowed.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Kamitakahara and further in view of Fujita (JP 2001-297488) (“Fujita”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 5 depends from claim 1, which is allowable over Murata for at least the reasons discussed above. Fujita is relied upon as teaching that “the concentration of heat resisting substances varies in a depth direction of the insulating layer.” Office Action, pg. 6. Fujita does not remedy the deficiencies of the Murata/Kamitakahara combination as to claim 1. Accordingly, claim 1, along with claim 5, is allowable over the cited combination. Applicants respectfully request that the rejection of claim 5 be withdrawn and the claim allowed.

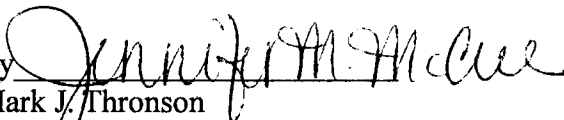
Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Kamitakahara and further in view of Shibata (JP 2002-083450) (“Shibata”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 9 depends from claim 1, which is allowable over Murata for at least the reasons discussed above. Shibata is relied upon as teaching that the “heat resisting inorganic material used in the insulating layer comprises zirconia series, alumina series, silicon carbides series, or silicon nitride series.” Office Action, pg. 7. Shibata does not remedy the deficiencies of the Murata/Kamitakahara combination as to claim 1. Accordingly, claim 1, along with claim 9, is allowable over the cited combination. Applicants respectfully request that the rejection of claim 9 be withdrawn and the claim allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

Dated: February 17, 2009

Respectfully submitted,

By 
Mark J. Thronson

Registration No.: 33,082

Jennifer M. McCue

Registration No.: 55,440

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicants